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PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Report of the Secretary-General

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I. INTRODUCTION

1. On 4 December 1989, the General Assembly adopted resolution 44/31 entitled "Peaceful settlement of disputes between States", paragraphs 1 to 5 of which read as follows:

> "The General Assembly,
>
> "...
>
> "1. Again urges all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;
>
> "2. Stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;
>
> "3. Calls upon Member States to make full use, in accordance with the Charter of the United Nations, of the framework provided by the United Nations for the peaceful settlement of disputes and international problems;
>
> "4. Requests the Secretary-General to submit to the General Assembly at its forty-fifth session a further report containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional intergovernmental organizations and interested international legal bodies on the implementation of the Manila Declaration and on ways and means of increasing the effectiveness of this instrument;
>
> "5. Decides that the question of the peaceful settlement of disputes between States shall be considered at its forty-fifth session as a separate agenda item, in conjunction with the item of the provisional agenda entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization."

2. By a note dated 28 February 1990, the Secretary-General invited the Governments of Member States to submit the replies referred to in paragraph 4 of resolution 44/31. A similar request was transmitted to the President of the Security Council and the President of the International Court of Justice and, by a letter dated 2 March 1990, to the specialized agencies and the International Atomic Energy Agency (IAEA), regional intergovernmental organizations and interested international legal bodies.

3. As at 15 August 1990, replies had been received from Argentina and Ireland (on behalf of the Twelve States members of the European Community). Further replies had been received from the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Universal Postal Union (UPU), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), the World

Meteorological Organization (WMO) and the Asian-African Legal Consultative Committee. Any further replies will be reproduced in addenda to the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

ARGENTINA

[Original: Spanish]

[28 June 1990]

1. The Argentine Government wishes to take this opportunity to stress the importance which Argentina attaches to the principle of the peaceful settlement of disputes and to emphasize, with respect to the implementation of the Manila Declaration on the Peaceful Settlement of International Disputes, that the Argentine Government has adopted measures which are in keeping with the letter and spirit of that Declaration.

2. With respect to the question of the Malvinas Islands, my Government has demonstrated its willingness to resolve peacefully and definitively the dispute over sovereignty with the United Kingdom of Great Britain and Northern Ireland.

3. On 15 February 1990, Argentina and the United Kingdom issued a joint statement (A/45/136-S/21159) in which they agreed to re-establish diplomatic relations, approved a series of measures aimed at developing bilateral relations and established the Argentine-British Working Group on South Atlantic Affairs.

4. Such steps do not imply either a settlement of the dispute over the sovereignty of the Malvinas Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas nor the full implementation of the General Assembly resolutions which recommend that the parties initiate negotiations to resolve peacefully and definitively all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations. Consequently, the territorial integrity of Argentina continues to be impaired by the existing colonial situation.

5. Nevertheless, the Argentine Republic believes that the re-establishment of diplomatic relations with the United Kingdom should help to create a climate conducive to a just and lasting settlement of the dispute. Argentina therefore reiterates its decision to persist in seeking a resumption of negotiations which should lead to a peaceful settlement and should also take due account of the interests of the inhabitants of the islands.

6. The Argentine Government therefore believes that one of the ways in which the Manila Declaration can be made more effective consists in the strict implementation of the relevant General Assembly resolutions, in particular those which call upon the parties to seek a peaceful settlement of their disputes through bilateral negotiations. In that regard, Argentina considers it appropriate to note the relevance of General Assembly resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982,

38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988.

IRELAND

[On behalf of the Twelve States members of the European Community]

[Original: English]

[27 June 1990]

1. The Twelve States members of the European Community belong to the - unfortunately rather small - category of those States which, in various matters relating to international co-operation, have accepted obligatory and binding dispute settlement procedures, whether at regional level at the European Court of Justice at Luxembourg, the Human Rights Commission and Court at Strasbourg or, at the universal level, in other international judicial bodies, in particular, the International Court of Justice at The Hague.

2. This attitude towards the peaceful settlement of disputes is a fundamental and natural part of the Twelve's view on international relations, and it is a matter of common knowledge that the Twelve are strongly in favour of any constructive step that might strengthen the principle of peaceful settlement as enshrined in Article 33 of the Charter of the United Nations.

3. The Twelve have, on previous occasions, expressed their doubts about the value of this annual exercise of having a separate resolution calling for the Secretary-General to seek the observations of Member States on the peaceful settlement of disputes. That subject is also on the agenda of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, whose report is debated each year by the Sixth Committee. Furthermore, last year the General Assembly adopted resolution 44/23 declaring the United Nations Decade of International Law, one of the main purposes of which will be the promotion of means and methods of the peaceful settlement of disputes between States. The Twelve believe that the Decade of International Law is likely to be the most fruitful means of promoting the concept of peaceful settlement of disputes and creating the necessary conditions under which the political will to accept compulsory international adjudication of disputes can be strengthened. A separate agenda item and a separate resolution concerning this subject seem to us to be superfluous.

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III. REPLIES RECEIVED FROM INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

A. United Nations specialized agencies and related organizations

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: English]

[20 April 1990]

Although at the present time UNESCO has no programme actions relating to General Assembly resolution 44/31, it continues to promote the concept of "positive peace" and implements the recommendations of the International Congress of Yamoussoukro on Peace in the Minds of Men. UNESCO also gives technical and financial support to regional and international networks of institutions of higher education and research on peace and international understanding, including institutions specializing in international public law and international relations such as the Department of International Relations of the University of Tunis.

UNIVERSAL POSTAL UNION

[Original: French]

[11 June 1990]

The Universal Postal Union (UPU) has made provision for three methods of settling disputes between two or more postal administrations concerning the interpretation of the Acts of the Union and the responsibility imposed on them by the application of those Acts, namely:

(a) A request, by mutual agreement, for the opinion of the International Bureau as provided for under article 113, paragraph 2, of the General Regulations, this opinion being non-binding upon the parties;

(b) A special compromise solution as provided for under article 127, paragraph 3, of the General Regulations;

(c) Recourse to the arbitration provided for in article 32 of the Constitution; this procedure becomes compulsory in the event that one of the parties decides to resort to it.

"Article 32: Arbitration

"In the event of a dispute between two or more Postal Administrations of Member Countries concerning the interpretation of the Acts of the Union or the responsibility imposed on a Postal Administration by the application of those Acts, the question at issue shall be settled by arbitration."

"Article 111: Information. Opinions, Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts.

"1. The International Bureau shall be at all times at the disposal of the Executive Council, the Consultative Council for Postal Studies and postal administrations for the purpose of supplying them with any necessary information on questions relating to the service.

"2. In particular it shall collect, collate, publish and distribute all kinds of information of interest to the international postal service, give an opinion, at the request of the parties involved, on questions in dispute, act on requests for interpretation and amendment of the Acts of the Union and, in general, carry out such studies and editorial or documentary work as are assigned to it by those Acts or as may be referred to it in the interest of the Union.

"3. It shall also conduct inquiries requested by postal administrations to obtain the views of other administrations on a particular question. The result of an inquiry shall not have the status of a vote and shall not be formally binding.

"4. It shall bring to the notice of the Chairman of the Consultative Council for Postal Studies, for any necesary action, questions which are within the competence of that organ.

"5. It shall act as a clearing house in the settlement of accounts of all kinds relating to the international postal service between postal administrations requesting this facility."

"Article 127: Arbitration procedure

"1. If a dispute has to be settled by arbitration, each of the postal administrations party to the case shall select a postal administration of a member country not directly involved in the dispute. When several administrations make common cause, they shall count only as a single administration for the purposes of this provision.

"2. If one of the administrations party to the case does not act on a proposal for arbitration within a period of six months, the International Bureau, if so requested, shall itself call upon the defauting administration to appoint an arbitrator or shall itself appoint one ex officio.

/...

"3. The parties to the case may agree to appoint a single arbitrator which may be the International Bureau.

"4. The decision of the arbitrators shall be taken by a majority of votes.

"5. In the event of a tie the arbitrators shall select another postal administration, not involved in the dispute either, to settle the matter. Should they fail to agree on the choice, this administration shall be appointed by the International Bureau from among administrations not proposed by the arbitrators.

"6. If the dispute concerns one of the Agreements, the arbitrators may be appointed only from among the administrations that are parties to that Agreement."

WORLD HEALTH ORGANIZATION

[Original: English]

[28 June 1990]

1. The Constitution of the World Health Organization (WHO) provides a scheme for the settlement of international disputes, making use of both the contentious and the advisory jurisdiction of the International Court of Justice. A similar provision is contained in the International Health Regulations.

2. While WHO has benefited from an advisory opinion of the International Court of Justice, its member States have not made use of the dispute settlement procedure insofar as the contentious juridiction of the Court is concerned, probably because matters falling within WHO's competence are not of the kind that give rise to serious dispute at the international level.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

[Original: English]

[3 April 1990]

1. Paragraph 9, part I, of the Manila Declaration states that States should consider concluding agreements for the peaceful settlement of disputes among them. In this connection, the member States of WIPO, at the last series of Meetings of the Governing Bodies, decided to initiate a new activity entitled "Treaty on the Settlement of Intellectual Property Disputes between States". In accordance with that decision, the International Bureau of WIPO has convened a committee of governmental experts to examine whether the preparation of a new treaty on the matter should start and, if so, with what content, with a view to eventually (after 1991) submitting for adoption the draft of such a treaty to a diplomatic

conference. The Committee of Experts held its first session at the headquarters of WIPO from February 19 to 23, 1990. A copy of the report of the Committee on its first session, as well as of the document, prepared by the International Bureau of WIPO, on which the discussions in that session of the Committee were based, are available in the Codification Division of the Office of Legal Affairs of the Secretariat (documents SD/CE/I/2 and 3). The Committee is scheduled to hold its second session from 22 to 26 October, 1990.

2. At the present time, six treaties administered by WIPO are in force, which provide a mechanism for the settlement of disputes between States parties to each of those instruments. Such treaties are, in the field of industrial property, the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967; article 28), the Patent Co-operation Treaty (article 59), the Trademark Registration Treaty (article 46) and the Vienna Agreement for the Establishment of an International Classification of the Figurative Elements of Marks (article 16); and, in the field of copyright or neighbouring rights, the Berne Convention for the Protection of Literary and Artistic Works (Stockholm Act, 1967, and Paris Act, 1971; article 33) and the International (Rome) Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (article 30). The dispute settlement procedures contained in the above-mentioned Articles are virtually the same. They provide for the submission to the International Court of Justice by a State party to the treaties of a dispute between it and another State party to the treaty concerning its interpretation or application if the dispute is not settled by negotiation or if the parties do not agree on some other method of settlement. With the exception of the Rome Convention, the mechanism provided for is optional, i.e., a State becoming party to the treaty may declare that the provisions of the Article referred to shall not apply to it.

3. Once it enters into force, the Treaty on Intellectual Property in Respect of Integrated Circuits (IPIC), adopted at Washington D.C. on 26 May 1989, will also be administered by WIPO. Article 14 of that Treaty establishes a system of settlement of the disputes that may arise between Contracting Parties concerning the interpretation or implementation of the Treaty. Consultations between the Contracting Parties, submission of the disputes for its consideration by a panel and recommendations by the Assembly are provided for in the said article of the Treaty, as well as, if the parties to the dispute so agree, other means designed to lead to an amicable settlement of disputes, such as good offices, conciliation, mediation and arbitration. A copy of the IPIC Treaty, in English, French and Spanish, is available in the Codification Division of the Office of Legal Affairs of the Secretariat.

WORLD METEOROLOGICAL ORGANIZATION

[Original: English]

[10 July 1990]

The Executive Council of the World Meteorological Organization, at its forty-second session, held at Geneva from 11 to 23 June 1990, considered General Assembly resolution 44/31 together with the other resolutions referred to WMO. There is no specific comment that this organization wishes to submit in connection with paragraph 4 of the resolution.

B. Other international intergovernmental organizations

ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

[Original: English]

[20 June 1990]

1. The Manila Declaration on Peaceful Settlement of Disputes was adopted with the expectation that it would (a) enhance the observance of the principle of peaceful settlement of disputes in the relations between States; (b) contribute to the elimination of the danger of recourse to force or the threat of force; (c) contribute to the relaxation of international tensions; (d) promote a policy of co-operation and peace and of respect for the independence and sovereignty of all States; and (e) enhance the role of the United Nations in preventing conflicts and settling them peacefully.

2. In order to meet these expectations, the text of the Manila Declaration was kept sufficiently flexible in nature and wide-ranging in scope and content. The basic thrust underlying its provisions is to encourage States to recognize and utilize the potential of the United Nations in the peaceful settlement of international disputes and maintenance of international peace and security, in accordance with the principles of justice and international law, in conformity with the Charter of the United Nations. The Declaration gives increased attention to the prevention of disputes between States, stresses the rapid settlement of disputes and the successive use of various means of settlement so as to leave no avenue unexplored for resolving disputes.

3. The Declaration reaffirms at the outset the following principles of the Charter:

(a) All States shall settle their international disputes by paceful means in such a manner that international peace and security and justice are not endangered;

(b) All States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations;

(c) All peoples shall have equal rights including the right to self-determination.

4. The Declaration also reaffirms the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among Nations.

5. After reaffirming these principles, the Declaration adopts a step-by-step approach in the application of the principle of the peaceful settlement of disputes between States. First, it declares that States should act in "good faith" and in conformity with the Charter with a view to "avoiding disputes". And, if States fail to avoid disputes, they should settle them "exclusively by peaceful means" and on the basis of sovereign equality and free choice of means. They should seek in good faith and in a spirit of co-operation an "early and equitable settlement" of their disputes by any of the following means: negotiations, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or agencies or other peaceful means which may be indicated in the future bilateral agreements or multilateral treaties. Without prejudicing the right to free choice of means, the Declaration suggests that States bear in mind that direct negotiations are a flexible and effective means of peaceful settlement of disputes.

6. Even a failure of the parties to a dispute to reach an early and equitable settlement by any of the peaceful means does not absolve their responsibility to continue to seek peaceful settlement of disputes. In the event of failure, they sould consult on mutually acceptable means to settle their disputes and, if the continuance of a dispute is likely to endanger the maintenance of international peace and security, they are duty-bound to refer it to the Security Council. At the same time, moreover, they should refrain from taking any action which may aggravate the situation and make more difficult or impede the peaceful settlement of disputes.

7. The Declaration encourages States to make greater use, for the peaceful settlement of their disputes, of the Security Council, the General Assembly and the International Court of Justice. It calls on States to take into account the recommendations of the Security Council and also of the General Assembly relating to the peaceful settlement of disputes. They should also make greater use of the fact-finding machinery of the Security Council. These steps, it is presumed, will strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities in the area of settlement of disputes or of any situation, the continuance of which is likely to endanger international peace and security.

8. The Declaration draws attention of States to the facilities provided by the International Court of Justice for the settlement of legal disputes, especially under the revised rules of the Court. It gives, at the same time, an option to States to entrust the solution of their differences to other tribunals by virtue of agreements already in existence. The Declaration suggests that legal disputes as a general rule be referred to the Court. The desirability of the greater use of the compulsory and advisory jurisdiction of the Court has been emphasized. Moreover, the Declaration makes it clear that recourse to judicial settlement of legal disputes should not be considered an unfriendly act between States.

9. Finally, the Declaration advocates greater involvement of the Secretary-General in the dispute settlement process. He has been urged to make full use of the provisions of the Charter concerning the responsibilities entrusted to him. In particular, the Declaration reaffirms his power to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security.

10. The General Assembly in its resolution 44/31 requested the Secretary-General to submit a report containing the replies of Member States, United Nations bodies and specialized agencies, regional intergovernmental organizations and other interested legal bodies on the implementation of the Manila Declaration on the peaceful settlement of disputes and ways and means of increasing the effectiveness of this document.

11. It may be recalled that the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining From the Threat or Use of Force in International Relations (General Assembly resolution 42/22, annex) stipulates, inter alia:

(a) States shall abide by their commitment to the principle of peaceful settlement of disputes, which is inseparable from the principle of refraining from the threat or use of force in their international relations;

(b) States parties to international disputes shall settle their disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered. For this purpose they shall utilize such means as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice, including good offices.

12. The General Assembly, in the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in This Field (resolution 43/51, annex), inter alia, reaffirmed the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

13. Against this backdrop the secretariat of the AALCC is of the view that Member States should consider fostering co-operation and friendly neighbourly relations the primary elements of which have already been identified both within the Sixth Committee of the General Assembly as well as the work of AALCC on the subject.

14. The AALCC secretariat supports the view expressed at the forty-fourth session of the General Assembly that the only way for the Secretary-General to know that an instrument was being implemented was for him to receive written replies. The Manila Declaration was one of the well-established procedures for the peaceful settlement of international disputes and it was important therefore to know how it was being implemented.

15. The secretariat of the AALCC would therefore recommend that Member States be urged to file written replies on the mode of implementation of the Declaration. It need hardly be mentioned in this regard that the implementation of the Manila Declaration is in effect the reaffirmation and implementation of one of the principles of the Charter of the United Nations - an instrument, which, inter alia, has been termed the legal linchpin of contemporary international relations.

16. Consideration may also be given to a view expressed at the forty-fourth session of the General Assembly that either the Special Committee on the Charter of the United Nations or an ad hoc committee be entrusted with the task of drawing up an international convention on the peaceful settlement of disputes and that the proposed international instrument embody the full range of legal obligations from conflict prevention, direct negotiation, resorting to the United Nations organs, to third party adjudication and binding decision.

17. Consideration may also be given to the establishment of zones of peace and co-operation, which, inter alia, require States of the region to co-operate in the promotion of the objectives of peace and co-operation. Such ideas are currently on the work programme of AALCC.

18. Finally, it is the view of the secretariat of AALCC that in the changing political configuration and climate of contemporary international relations, States Members of the United Nations in the formlation of their foreign policies should give due consideration to the rule of law in international relations besides the primary context of political and economic factors. The element of the rule of law in inter-State relations and increased awareness of the legal obligations should go a long way in giving effect to and implementation of the Manila Declaration on the Peaceful Settlement of Disputes. In this context, States must scrupulously respect the principles of sovereign equality and avoid all interventionist tendencies under any pretext.

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Report of the Secretary-General

Addendum

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II. REPLIES RECEIVED FROM MEMBER STATES

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AFGHANISTAN

[Original: English]

[29 August 1990]

1. The Republic of Afghanistan attaches great importance to the implementation of the Manila Declaration on the Peaceful Settlement of International Disputes and regards this peremptory principle of international law as the most significant factor in maintaining international peace and security.

2. The logic of a legal world order and the need for the creation of a peaceful universal climate based on the principles of international law negate the threat or use of force and leave no room to the rule of power-politics in international relations.

3. In the view of the Afghan Government, the principle of peaceful settlement, which lies in the heart of the purposes and principles of the United Nations, along with the peaceful means and ways of settling international disputes embodied in Article 33 of the Charter, provide the practical and reasonable basis for implementing and increasing the effectiveness of the Manila Declaration.

4. We see great merit in the probable adoption by the world community, in the framework of the United Nations Decade of International Law, of a new and comprehensive convention on the peaceful settlement of disputes. This will further signify the vitality of the aforementioned principle to peaceful international life and to friendly relations among nations.

5. Likewise, resort by all States to a commission of good offices, mediation or conciliation within the United Nations is also of great value in promoting mutual understanding among parties to any conflict that could lead to durable solutions of disputes.

6. We strongly believe that giving more weight to the role of the United Nations in resolving regional conflicts opens new horizons towards the implementation of the Manila Declaration. By holding international conferences on regional issues and assuming the supervision of some of the national processes of the consequent solutions, the United Nations role could gain a broader dimension in bringing about peaceful solutions to international disputes.

7. It also should be mentioned that, by signing and strictly complying with the Geneva Agreements of April 1988 concluded between Afghanistan and Pakistan, the Republic of Afghanistan established an outstanding example of betaking the means of law for the solution of the Afghan problem. In the face of the military option of others, the Republic of Afghanistan has never hesitated to continue its efforts towards the peaceful solution of the situation in and around Afghanistan. We strongly express our objection to any excuse aimed at resorting to force beyond the norms of international law.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[21 August 1990]

1. The Byelorussian SSR again states its adherence to the Manila Declaration on the Peaceful Settlement of International Disputes, being of the opinion that the obligations of Members of the United Nations, under the Charter, to solve disputes by peaceful means constitute one of the most important principles of international conduct.

2. Practical steps for the peaceful settlement of disputes have confirmed the validity of the principles contained in the Declaration and have delineated more clearly the role of the United Nations in this vital aspect of its activity. The importance of the mechanisms and instruments available to the United Nations for restoring, preserving and maintaining peace has been considerably enhanced.

3. The Byelorussian SSR has confirmed its adherence to the Manila Declaration on the Peaceful Settlement of Disputes by participating in the drafting and approval of international instruments designed to reduce tension, create conditions for the resolution of conflicts and ensure the objective and just consideration of complex international situations. Among the most significant of such instruments are the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations (General Assembly resolution 42/22 of 18 November 1987), the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (General Assembly resolution 43/51 of 5 December 1988) and General Assembly decision 44/415, adopted on 4 December 1989, concerning resort to a commission of good offices, mediation or conciliation within the United Nations, which expands the provisions of the Manila Declaration by providing for the possibility of calling on the services of a third party for the solution of disputes by peaceful means.

4. A practical contribution to the development of the Declaration was made by the Geneva Agreements on Afghanistan and by Namibia's attainment of independence. The active participation in these processes of the United Nations, its Secretary-General, and the permanent members of the Security Council creates conditions for enhancing the effectiveness of processes for the peaceful settlement of disputes.

5. The foundations for the strengthening of international peace are laid in the provisions of the Charter of the United Nations, the non-selective implementation of which is a guarantee of the settlement of all situations and disputes between States on the basis of sovereign equality and exclusively by peaceful means.

6. In this connection, the Byelorussian SSR notes the important role of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

7. The problems discussed by the Special Committee bear a direct relationship to the issues of enhancing the effectiveness of the Manila Declaration. Among the vital topics discussed in the Special Committee, special mention must be made of approaches to expanding the sphere of recognition by States of the compulsory jurisdiction of the International Court of Justice and affirmation of the primacy of international law in relations among States.

8. Also important is the work being carried out in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the elaboration of the handbook on the peaceful settlement of disputes, which will contain a broad range of mechanisms and instruments for settling differences of opinion between States on the basis of sovereign equality and in accordance with their obligations under the Charter of the United Nations.

9. In this connection, the Byelorussian SSR expresses the hope that the work on the draft handbook will be completed in 1991 and that it will be submitted to Member States for consideration.

10. Together with problems of peace-keeping, questions of preventive diplomacy in the discharge of the central role of the United Nations are attracting increasing attention. This creates a need for the further enhancement of the peace-keeping role of the Secretary-General; in particular, this role could be given new substance through a closer relationship with the members of the Security Council on questions affecting international security, and by giving the Secretary-General authority to send fact-finding missions to "trouble spots", without infringing on the sovereignty of the States concerned and while ensuring impartiality of the members of such missions.

11. Additional functions should be assigned to the Security Council, primarily in the sphere of formal and informal consultations and in co-ordinating the efforts of all members of the international community.

12. The co-operation of the United Nations with regional organizations and the enhancement of harmonization among the efforts of various international organizations also offer broad prospects for the solution of international disputes by peaceful means. In our view, this would be facilitated by the implementation of the proposal for the elaboration of a general instrument for the peaceful settlement of disputes, which would be a logical transition from the principles proclaimed in the Manila Declaration to international obligations on the part of States to prevent conflicts and strengthen mutual understanding in processes for the peaceful settlement of disputes.

13. The Byelorussian SSR regards the question of the peaceful settlement of disputes as central to the activity of the United Nations, and again states its readiness to take part in the efforts of the international community in this direction. In the light of its adherence to the principles of resolving disputes between States by peaceful means, the Byelorussian SSR has taken action to pay off its debt to the special account for past United Nations peace-keeping operations, and is complying with its obligations regarding the financing of current operations.

ROMANIA

[Original: French]

[14 September 1990]

1. In paragraph 4 of resolution 44/31 of 4 December 1989, the General Assembly requested the Secretary-General to submit to it at its forty-fifth session a further report containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional intergovernmental organizations and interested international legal bodies on the implementation of the Manila Declaration on the Peaceful Settlement of International Disputes and on ways and means of increasing the effectiveness of that instrument.

One of the purposes of resolution 44/31 is to encourage efforts to strengthen the process of peaceful settlement of disputes.

2. After the revolution which took place in Romania in December 1989, the leadership of the Romanian State affirmed in numerous statements and other official documents the country's full adherence to the principles and norms of international law, including those relating to the peaceful settlement of international disputes.

3. In this context, Romania welcomed the proclamation of the United Nations Decade of International Law (1990-1999), one of the main objectives of which is the promotion of means and methods for the peaceful settlement of disputes between States.

4. Since the purposes of resolution 44/31 coincide with the objectives of General Assembly resolution 44/23 of 17 November 1989 on the United Nations Decade of International Law, Romania believes that the item on the "Peaceful settlement of disputes between States" could be favourably advanced in the context of the Decade without there being any need to maintain it as a separate item on the agenda of the General Assembly.

5. Romania therefore suggests that, starting in 1991, the item entitled "Peaceful settlement of disputes between States" should be considered under the item on the United Nations Decade of International Law, convinced as it is that the programme for the Decade will include appropriate recommendations for strengthening the process of peaceful settlement of disputes through the progressive development and codification of international law and through the enhancement of the effectiveness of the United Nations in this topical area of international affairs.